

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

TYCO FIRE PRODUCTS LP,

*Plaintiff,*

v.

AIU INSURANCE COMPANY, ET AL.,

*Defendants.*

Civil Action No. 2:23-cv-02384-RMG

**DEFENDANTS TRAVELERS CASUALTY AND SURETY COMPANY F/K/A THE AETNA  
CASUALTY AND SURETY COMPANY AND THE TRAVELERS INDEMNITY COMPANY'S  
MOTION FOR PARTIAL SUMMARY JUDGMENT ON ALLOCATION AND NON-  
CUMULATION/PRIOR INSURANCE UNDER THE TRAVELERS EXCESS POLICIES ISSUED  
TO TYCO LABORATORIES, INC.**

Defendants, Travelers Casualty and Surety Company f/k/a The Aetna Casualty and Surety Company and The Travelers Indemnity Company ("Travelers"), hereby file this Motion for Partial Summary Judgment on Allocation and Non-Cumulation/Prior Insurance under the Travelers Excess Policies issued to Tyco Laboratories, Inc. pursuant to Fed. R. Civ. P. 56(a), and for the reasons stated in the attached brief requests summary judgment as follows:

- 1. ALLOCATION:** Adopting the pro rata allocation approach endorsed by New Hampshire law as applicable to Tyco 's request for coverage under the Travelers Excess Policies, in the event Tyco can meet its burden to prove the predicates to allocation, including proper trigger of coverage and proper exhaustion of the applicable underlying insurance; and,

2. **NON-CUMULATION OF LIMITS:** Applying the Non-Cumulation Condition according to its plainly stated terms, such that it [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Respectfully submitted,

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***Attorneys for Travelers Casualty and Surety Company f/k/a The Aetna Casualty and Surety Company and The Travelers Indemnity Company (collectively, "Travelers"), improperly named herein as "Aetna Casualty and Surety Company" and "Travelers Property Casualty Company of America,"***

**CERTIFICATE OF SERVICE**

I hereby certify that on July 25, 2024, I electronically filed the foregoing document with the United States District Court, District of South Carolina, Charleston Division's Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

s/ Steven J. Pugh

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